

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.105 OF 2006
IN
EXECUTION APPLICATION NO.417 OF 2005

Prabir Kumar Complainant

versus

Surendra Kapoor & ors. Respondents

and

Krishnamurthi Govindswamy Udaiyar
and another Applicants

Ms.Sujata Palav i/by Vijaykumar & Co. for
applicants.

Mr.Subhash Jha for respondent no.1.

Ms.Dipa Mani i/by S.K.Srivastava for complainant

CORAM : S.C.DHARMADHIKARI, J.

DATE : 2nd May 2006

PC :

1. The original claimant/decreed holder states that the applicant's shop premises have been erroneously and wrongfully attached in execution of the decree passed in his favour and submits that the warrant of attachment dated 23rd November 2005 be set aside, the attachment raised

and the property released.

2. The Chamber Summons is by the applicant who states that the shop no.6 on the ground floor, Aatit Shopping Enterprises Pvt. Ltd; Near Shitladevi Temple, Mahim and Dahake Colony of J.P.Road, Andheri (W), Mumbai, is the shop premises belonging to the applicants. Needless to state that the warrant of attachment shall stand set aside only qua this immovable property and only this property shall be released from attachment. The warrant in respect of other properties attached, shall remain unaffected. Chamber Summons allowed accordingly. No order as to costs.

(S.C.DHARMADHIKARI, J.)